

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN DIEKMAN : CIVIL ACTION  
:   
vs. :   
: NO. 02-4681  
ENERGY CHOICE MARKETING, INC. :   
SHAI FISHMAN, S & D MARKETING :   
INC., and CONSUMER CHOICE, INC. :

ORDER

AND NOW, this                      day of November, 2002, upon  
consideration of the Motions of Defendants Shai Fishman and S & D  
Marketing, Inc. to Dismiss the Plaintiff's Complaint and it  
appearing to the Court that an Amended Complaint has since been  
filed, it is hereby ORDERED that the Motions to Dismiss are  
DENIED as MOOT.

BY THE COURT:

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J. CURTIS JOYNER,                      J.